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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,725	03/08/2002	Akihiro Watabe	HYAE:135	7342

6160 7590 09/22/2004

PARKHURST & WENDEL, L.L.P.
1421 PRINCE STREET
SUITE 210
ALEXANDRIA, VA 22314-2805

EXAMINER

VO, TUNG T

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/092,725	Applicant(s) WATABE ET AL.	
	Examiner Tung T. Vo	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 is/are allowed.
- 6) ☒ Claim(s) 1,2,5 and 6 is/are rejected.
- 7) ☒ Claim(s) 3,4,7 and 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04/26/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by DeAngelis et al. (US 5,552,824).

Re claims 1 and 5, DeAngelis discloses a video encoding apparatus comprising (fig. 1):
a picture memory (30 of fig. 1) for holding inputted pictures (see col. 6, lines 59-61, e.g. each digital image frame is stored in the buffer memory 30); a reference time generation means (34 of fig. 1, e.g. the timer clock (34) generates a time reference) for generating time information to be a reference (col. 6, lines 61-64); a picture input means (28 of fig. 1, e.g. the digital picture frame is transmitted to the memory 30 of fig. 1) for writing an inputted picture into a designated position in the picture memory (col. 8, lines 17-50); an input time recording means (14 of fig. 1) for recording a time that is outputted from the reference time generation means when a picture is inputted to the picture input means (col. 6, lines 61-66), and a position in the picture memory where the inputted picture is written, such that the time is associated with the position (col. 8, lines 17-50, wherein the digital picture is stored in the designated position with the time reference);

an encoding means (fig. 8) for encoding data in a designated position in the picture memory (col. 13, lines 40-49); and a picture memory designation means (16 of fig. 1, e.g. the main controller controls the address memory, location or position) for designating positions in the picture memory which are targeted for processing, and indicating the positions to the picture input means (col. 8, lines 17-37) and the encoding means (fig. 3, wherein the picture input is marked with an associated time reference), respectively, on the basis of the information recorded by the input time recording means (fig. 3).

Re claims 2 and 6, DeAngelis further discloses when the picture memory designation means (16 of fig. 1) designates a position in the picture memory for the encoding means (CPU 40 of fig. 1, e.g. the CPU associated with image timer (14 of fig. 1) and the camera, wherein the CPU can selectively compress data from the buffer (30 of fig. 1)), the picture memory designation means (16 of fig. 1) designates a position corresponding to a time which is closest to an ideal input time (the time of the system CPU is required to encode the stored frame) of data to be encoded (col. 6, lines 59-68; see also col. 5, lines 10-19).

Allowable Subject Matter

2. Claim 9 is allowed.
3. Claims 3-4 and 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Serizawa et al. (US 5,717,441) discloses a picture data memory with high access efficiency in detecting motion vector, a motion vector detection circuit provided with the picture data memory, and an address conversion circuit.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TUNG T. VO
PATENT EXAMINER

T.Vo

Tung T. Vo
Primary Examiner
Art Unit 2613